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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,359	03/30/2007	Reiner Jocher	095309.57810US	1520
23911	7590	10/29/2008	EXAMINER	
CROWELL & MORING LLP			SPINELLA, KEVIN	
INTELLECTUAL PROPERTY GROUP				
P.O. BOX 14300			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20044-4300			2885	
			MAIL DATE	DELIVERY MODE
			10/29/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/582,359	JOCHER, REINER	
	<b>Examiner</b>	<b>Art Unit</b>	
	KEVIN SPINELLA	2885	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 June 2006 and 30 March 2007.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 22-41 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 22-41 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 09 June 2006 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 6/9/2006.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The preliminary amendment filed 6/9/2006 has been entered. Currently, Claims 22-41 are pending in the application. The substitute specification and abstract filed 6/9/2006 have also been entered.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on 6/9/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: E1. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should

include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Vehicle Lighting Device Having Pivotable and Spring Means for Vehicle Lens Impact.

### ***Claim Objections***

6. Claim 33 is objected to because "as claimed in claim 12" should read --as claimed in claim 22--. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 22-28 and 33-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Ericsson et al. (European Publication EP 1,332,915 A2, hereafter Ericsson).

In regard to Claim 22, Ericsson discloses a vehicle 10 (paragraph 17, lines 1-2) lighting device 20 (paragraph 17, lines 3-4) comprising: a housing part 22 (Figure 1, paragraph 17, lines 4-5: "grill opening reinforcement" houses headlamp assembly 20 from the rear) and a transparent front lens 26 (paragraph 18, line 5) arranged thereon (Figures 2-4), the housing part 22 (paragraph 17, lines 4-5) being connected in a positionally fixed manner (Figure 1) to the vehicle body 10 (paragraph 17, lines 1-2); a spring device 36 (paragraph 23) provided in a region (Figures 2-4) connecting the lens 26 (paragraph 18, line 5) to the housing part 22 (paragraph 17, lines 4-5), wherein the spring device 36 (paragraph 23), when there is an impact effect in the direction of the longitudinal axis (paragraph 26, lines 1-2) of the vehicle 10 (paragraph 17, lines 1-2), permits the lens 26 (paragraph 18, line 5) to be displaced in the direction (Figure 3) of the housing part 22 (paragraph 17, lines 4-5) from a fitted position (Figure 2) into a withdrawal position (Figure 3) offset back in relation (Figure 3) to an outer skin 16 (Figure 1, paragraph 17, line 3) of the vehicle 10 (paragraph 17, lines 1-2) into which said lighting device 20 (paragraph 17, lines 3-4) is fit, wherein the lens 26 (paragraph 18, line 5) is mounted pivotably 30 (paragraph 19, line 2) about an axis 32 (paragraph 19, lines 3-4) running in a direction in order to pivot the lens 26 (paragraph 18, line 5) in a direction toward (Figure 3) the housing part 22 (paragraph 17, lines 4-5) when said

vehicle 10 (paragraph 17, lines 1-2) is subject to a corner impact obliquely (paragraph 26, lines 1-2) with respect to said longitudinal axis (Figure 1) of the vehicle 10 (paragraph 17, lines 1-2).

In regard to Claim 23, Ericsson discloses a mounting (Figures 2-4) of the lens 26 (paragraph 18, line 5) is designed in such a manner (Figure 1) that the lens 26 (paragraph 18, line 5) executes a combination of both pivoting (Figure 3) and translatory movement (Figure 3).

In regard to Claim 24, Ericsson discloses a pivot (Figures 2-3, i.e. pivots in motion) bearing 42 (paragraph 25, line 2) of the lens 26 (paragraph 18, line 5) is provided on a side edge (Figure 2, i.e. on a particular edge and to the center side) of the lens 26 (paragraph 18, line 5) which is situated closer to the center (Figure 1) of the vehicle 10 (paragraph 17, lines 1-2).

In regard to Claim 25, Ericsson discloses the pivot (Figures 2-3, i.e. pivots in motion) bearing 42 (paragraph 25, line 2) is formed by at least one pivot pin 44 (paragraph 24, line 5) which is provided on (Figure 2, i.e. immediately adjacent to) the lens 26 (paragraph 18, line 5) and is supported on (Figure 2, i.e. indirectly via ring-like fitting 40) a guide rail 40 (paragraph 25, lines 1-2: “first ring-like fitting” guides attachment of pin 44).

In regard to Claim 26, Ericsson discloses the guide rail 40 (paragraph 25, lines 1-2: "first ring-like fitting" guides attachment of pin 44) is aligned with respect to (Figure 1) the longitudinal center axis of the vehicle 10 (paragraph 17, lines 1-2) in such a manner that (Figure 1), when there is an impact effect on the lens 26 (paragraph 18, line 5) within a certain angular range (paragraph 26, lines 1-2), the lens 26 (paragraph 18, line 5) is displaced along (Figure 3) the guide rail 40 (paragraph 25, lines 1-2) in the direction of (Figure 3) the housing part 22 (paragraph 17, lines 4-5).

In regard to Claim 27, Ericsson discloses a resiliently flexible mounting (Figures 2-3) of the lens 26 (paragraph 18, line 5) on the housing part 22 (paragraph 17, lines 4-5) by means of the spring device 36 (paragraph 23) is designed as a multi-point 30, 36 mounting (Figure 2).

In regard to Claim 28, Ericsson discloses a plurality of fastening points 30, 36 (Figure 2) with at least one of said fastening points 30, 36 (Figure 2) including a spring element 36 (paragraph 23) which, at its one end on the vehicle 10 (paragraph 17, lines 1-2) body side, is arranged in an essentially positionally fixed manner (Figure 1, Figure 2) and, at its distal end (Figure 1, Figure 2), the connecting region to the lens 26 (paragraph 18, line 5) is provided.

In regard to Claim 33, Ericsson discloses further including a device 30 (paragraph 19, line 2) for adjusting (Figures 2-4) the lens 26 (paragraph 18, line 5) with

respect to an outer skin 16 (Figure 1, paragraph 17, line 3) of the vehicle 10 (paragraph 17, lines 1-2).

In regard to Claim 34, Ericsson discloses the adjusting device 30 (paragraph 19, line 2) additionally couples (Figures 1-4) the lens 26 (paragraph 18, line 5) and housing part 22 (paragraph 17, lines 4-5).

In regard to Claim 35, Ericsson discloses the adjusting device 30 (paragraph 19, line 2) is arranged on or integrated in (Figure 2) one of the fastening points 30, 36 (Figure 2) of the lens 26 (paragraph 18, line 5).

In regard to Claim 36, Ericson discloses wherein at each of the fastening points 30, 36 (Figure 2) a respective coupling membrane (Figure 2) is provided (Figure 2, i.e. coupling membrane operationally required), the coupling membrane (Figure 2) reaching through the spring element 36 (paragraph 23) and at one end (Figure 1, i.e. right end) a pivotably mounted element point 30 (paragraph 19, line 2) is provided and another end (Figure 1, i.e. left end of lens 26) reaches through a passage opening (Figure 3, i.e. opening between skin 16 and assembly 20) in the lens 26 (paragraph 18, line 5) with play (Figure 3).

In regard to Claim 37, Ericsson discloses the end (Figure 1, i.e. left end of lens 26) reaching through the passage opening (Figure 3, i.e. opening between skin 16 and

assembly 20) is provided with an external thread 44 (paragraph 25, line 5: "shear pin" constitutes an external circumferential surface acting as a single thread) onto which a head element 40 (paragraph 25, lines 1-2) provided with an internal thread (Figure 2, i.e. operationally required to constitute single internal thread corresponding to external circumferential thread/surface of pin) can be screwed (Figure 2) from the front side (Figure 1) of the lens 26 (paragraph 18, line 5).

In regard to Claim 38, Ericsson discloses the fastening points 30, 36 (Figure 2) for the lens 26 (paragraph 18, line 5) are provided on (Figures 1-4) the housing part 22 (paragraph 17, lines 4-5).

In regard to Claim 39, Ericsson discloses the housing part 22 (paragraph 17, lines 4-5), the lens 26 (paragraph 18, line 5) and the spring device 36 (paragraph 23) form a preassemble-able construction unit (Figure 1).

In regard to Claim 40, Ericsson discloses at least one fastening point 30 (paragraph 19, line 2) for fastening the lens 26 (paragraph 18, line 5) to the housing part 22 (paragraph 17, lines 4-5) is provided in an upper (Figure 1, i.e. vertically) and lower edge region (Figure 2, i.e. horizontally) of the lens 26 (paragraph 18, line 5).

In regard to Claim 41, Ericsson discloses the pivot (Figures 2-3, i.e. pivots in motion) bearing 42 (paragraph 25, line 2), a plurality of fastening points 30, 36 (Figure

2) and the guide rail 40 (paragraph 25, lines 1-2: “first ring-like fitting” guides attachment of pin 44) are formed integrally on (Figure 2) the housing part 22 (paragraph 17, lines 4-5).

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericsson in view of Brady (US Patent No.: 1,555,902, hereafter Brady).

Ericsson lacks the spring element is designed as a coil, wherein the coil tapers in the direction of an end facing away from the lens, wherein the height of the coil decreases in the direction of an end facing away from the lens, and wherein the coil has an essentially rectangular cross section. Ericsson, however, teaches damper 36 may be pneumatic, hydraulic, mechanical, or any other appropriate type of device for absorbing or dissipating kinetic energy (paragraph 23).

Brady teaches a shock absorber for vehicle lamps (Title) comprising a spring element 11 (page 1, Col. 2, line 90) that is designed as a coil (Figure 3), wherein the coil (Figure 3) tapers in the direction of an end facing away (Figure 3) from the lens 2 (page 1, Col. 1, lines 48-49), wherein the height (Figure 3) of the coil (Figure 3) decreases in the direction of an end facing away (Figure 3) from the lens 2 (page 1, Col. 1, lines 48-

49), and wherein the coil (Figure 3) has an essentially rectangular cross section (Figure 3). Brady also teaches the present invention (Figures 1-3) as being simple in construction; inexpensive, strong, and durable (page 1, Col. 1, lines 24-26).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the mechanical spring coil of the shock absorbing vehicle lamp of Brady in place of the damper mechanism of the vehicle headlamp device of Ericsson in order to allow for a shock energy-absorbing mechanism that is simple in construction, inexpensive, strong, and durable.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Arlon et al. (US Patent No.: 7,029,154 B2) discloses a motor vehicle headlight and frangible support, Arlon et al. (US Patent No.: 7,204,336 B2) discloses a motor headlight comprising an impact member, Arlon (US Publication No.: 2006/0072332 A1) discloses an energy absorbing headlight, and Tajima (English Abstract of Japanese Publication JP 05185872 A) discloses a lighting fixture fitting construction for an automobile.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN SPINELLA whose telephone number is (571) 270-1284. The examiner can normally be reached on Monday - Friday, from 7:30 a.m. to 5:00 p.m. EST.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jong-Suk (James) Lee can be reached on (571) 272-7044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KJS  
10/20/08

/Jong-Suk (James) Lee/  
Supervisory Patent Examiner, Art Unit 2885